

S.B.CIVIL WRIT PETITION NO.42/1994

Jalday Vibhag Shramik & Karamchari Union & Anr.

Versus

State of Rajasthan & Ors.

Date of Order :: 4th July, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Vijay Mehta, for the petitioners.
Mr. B.L.Tiwari, Dy.Govt.Advocate.

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The petitioner No.1 as well as the petitioner No.2 are trade unions registered under the Trade Union Act, 1926 and are having membership among the employees of Public Health & Engineering Department in District Sriganganagar.

According to the averments contained in petition for writ the grievance of the petitioners is that their members whose names are given in Schedule "A" and "B" have completed two years of service on an earlier date but semi permanent status was given to them from 1st April of the subsequent year.

According to counsel for the petitioners under Rule 3 of the Rajasthan Public works (Building and Roads including Gardens, Irrigation, Water-works,

Ayurvedic) work-charged Employees Service Rules, 1964 (hereinafter referred to as "the Rules of 1964") semi permanent status to the members of the petitioner unions should have been conferred from the date they have completed two years of service.

In reply to the writ petition the stand of the respondents is that semi permanent status was allowed to the members of the petitioner unions on availability of sanctioned posts.

Heard counsel for the parties.

It is not in dispute that members of the petitioner unions acquired semi permanent status in accordance with Rule 3 of the Rules of 1964 from 1st April of the subsequent year from the date of completion of two years of service. What appears from pleadings of the case is that irrespective of satisfactory service and availability of posts, the respondents, as a matter of course, considered cases of all the workmen concern for grant of semi permanent status only from 1st April of the subsequent year to the date on which they have completed two years of service. Under the Rules of 1964 the issue with regard to grant of semi permanent status to a casual work-charged employee is required to be considered on completion of two years of service and the same is to be conferred if service of such workmen is

satisfactory. The respondents instead of considering candidature of members of the petitioner unions on completion of two years of service from the date they completed two years of service considered the same from next coming 1st April. I do not find any just and valid reason for that.

Rule 3 of the Rules of 1964 is quite clear and it specifically mentions that a casual work-charged employee shall be eligible for status of semi permanent work-charged technical staff on completion of two years or more service provided his record of service in the opinion of competent authority is satisfactory. The respondents, therefore, should have considered cases of the members of petitioner unions for grant of semi permanent status from the date they completed two years of service as a casual employee.

In light of discussion made above this petition for writ deserves acceptance, therefore, the same is allowed. The respondents are directed to consider candidature of the members of the petitioner unions whose names are given in Schedule "A" and "B" annexed to the writ petition for grant of semi permanent status from the date they completed two years of service from the date of their initial appointment. The members of the petitioner unions shall also be entitled for all consequential benefits. The consideration for grant of semi permanent status

in the terms above is required to be made within a period of six months from today.

(GOVIND MATHUR),J.

kkm/ps.